

IFW

P24855.A01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Silke KOHLHASE et al.

Serial No. : 10/759,160

Filed : January 20, 2004

For : PEARLESCENT COSMETIC OR DERMATOLOGICAL
FORMULATIONS



Group Art Unit: unknown

Examiner: unknown

INFORMATION DISCLOSURE STATEMENT

Commissioner For Patents
PO Box 1450,
Alexandria, Virginia 23313-1450

Sir:

Pursuant to 37 C.F.R. § 1.56 and 37 C.F.R. §§ 1.97-1.98, Applicants hereby direct the Examiner's attention to the following documents cited in the German Search Report for German Patent Application 103 01 836.0 of which the above-referenced application claims priority:

- (1) DE 199 50 059 A1, April 19, 2001; accompanied by an English language abstract thereof (provided by esp@cenet); this document is categorized in the German Search Report as X document, i.e., casting doubt on novelty or non-obviousness by itself. The following passage of this document is indicated as relevant: Example 2;
- (2) DE 199 43 436 A1, March 15, 2001; accompanied by an English language abstract thereof (provided by esp@cenet); this document is categorized in the German Search Report as X document, i.e., casting doubt on novelty or non-obviousness by itself. The following passage of this document is indicated as relevant: Example 5;

(3) DE 199 42 714 A1, March 15, 2001; accompanied by an English language abstract thereof (provided by esp@cenet); this document is categorized in the German Search Report as X document, i.e., casting doubt on novelty or non-obviousness by itself. The following passage of this document is indicated as relevant: Example 2;

(4) DE 100 41 220 A1, March 7, 2002; this document is categorized in the German Search Report as X document, i.e., casting doubt on novelty or non-obviousness by itself. The following passages of this document are indicated as relevant: Claims in connection with Examples 3, 5, Examples 10, 13;

(5) U.S. Patent Application Publication No. 2003/0224025 A1 (GOTSCHKE et al.), December 4, 2003; Applicants note that this document is a family member of document (4);

(6) DE 691 11 466 T2, April 4, 1996; this document is categorized in the German Search Report as X document, i.e., casting doubt on novelty or non-obviousness by itself. The following passages of this document are indicated as relevant: Example 2, page 8 line 8 through page 11, lines 9, 26-28, page 12, lines 22-24, page 14, line 3 through page 15, line 24;

(7) WO 92/09264, June 11, 1992; Applicants note that this document is a family member of document (6);

(8) EP 0 612 518 B1, August 31, 1994; this document is categorized in the German Search Report as X document, i.e., casting doubt on novelty or non-obviousness by itself. The following passages of this document are indicated as relevant: Claims 4-10, 15, 16, Examples 2, 3-2, 4-1, 4-2, 5, 6, 9-12, Tables 8-1, 8-3, 8-5;

(9) U.S. Patent No. 5,334,387 (HAUGK), August 2, 1994; Applicants note that this document is a family member of document (8);

P24855.A01

(10) WO 03/022238 A1, March 20, 2003; this document is categorized in the German Search Report as X document, i.e., casting doubt on novelty or non-obviousness by itself. The following passages of this document are indicated as relevant: Claims 1-7, 11, 14, 15, Example 7;

(11) WO 02/074264 A2, September 26, 2002; this document is categorized in the German Search Report as X document, i.e., casting doubt on novelty or non-obviousness by itself. The following passages of this document are indicated as relevant: Claims 1-6, 11-13, Example 7;

(12) WO 02/074258 A2, September 26, 2002; this document is categorized in the German Search Report as X document, i.e., casting doubt on novelty or non-obviousness by itself. The following passages of this document are indicated as relevant: Claims 1-7, 11, 12, 14, 15, Example 7;

(13) WO 00/69404 A1, November 23, 2000; this document is categorized in the German Search Report as X document, i.e., casting doubt on novelty or non-obviousness by itself. The following passages of this document are indicated as relevant: Examples 13, 14, 16.

Furthermore, Applicants direct the Examiner's attention to the following documents:

(14) WO 01/10403 A1, February 15, 2001; Applicants note that this document is cited and discussed on page 1, fourth paragraph of the present application;

(15) WO 90/10429 A1, September 20, 1990; Applicants note that this document is cited and discussed on page 1, fourth paragraph of the present application;

- (16) DE 199 21 186 A1, November 16, 2000; accompanied by an English language abstract thereof (provided by esp@cenet); Applicants note that this document is cited and discussed on page 1, fourth paragraph of the present application;
- (17) DE 199 44 545 C1, March 8, 2001; accompanied by an English language abstract thereof (provided by esp@cenet); Applicants note that this document is cited and discussed on page 1, fourth paragraph of the present application;
- (18) Modern Cosmetology, Vol. 1, 1996, Ralph G. Harry, F.R.I.C., 1962, pp. 115-119; Applicants note that this document is cited and discussed on page 2, third paragraph of the present application;
- (19) Kosmetologie, 3rd edition, 1976, Dr. J. Jellinek (pp. 235-239); Applicants note that this document is cited and discussed on page 2, fourth paragraph of the present application;
- (20) EP 0 281 360 A1, September 7, 1988; Applicants note that this document is cited and discussed on page 6, third paragraph of the present application;
- (21) U.S. Patent No. 4,870,167 (ZODY et al.), September 26, 1989; Applicants note that this document is a family member of document (20);
- (22) EP 1 046 387 B1, October 25, 2000; Applicants note that this document is cited and discussed on page 6, fifth paragraph of the present application;
- (23) U.S. Patent No. 6,251,954 B1 (ROULIER et al.), June 26, 2001; Applicants note that this document is a family member of document (22);
- (24) U.S. Patent No. 5,426,182 (JENKINS et al.), June 20, 1995; Applicants note that this document is cited and discussed on page 9, first paragraph of the present application;

(25) DE 43 44 661 A1, June 29, 1995; accompanied by an English language abstract thereof (provided by esp@cenet); Applicants note that this document is cited and discussed on page 9, second paragraph of the present application;

(26) EP 0 295 886 A2, December 21, 1988; Applicants note that this document is cited and discussed on page 12, second paragraph and page 13, second paragraph of the present application;

(27) U.S. Patent No. 5,266,321 (SHUKUZAKI et al.), November 30, 1993; Applicants note that this document is cited and discussed on page 12, second paragraph and page 13, second paragraph of the present application;

(28) U.S. Patent No. 5,654,362 (SCHULZ, JR. et al.), August 5, 1997; Applicants note that this document is cited and discussed on page 13, second paragraph of the present application;

(29) U.S. Patent No. 4,980,167 (HARASHIMA et al.), December 25, 1990; Applicants note that this document is cited and discussed on page 13, second paragraph of the present application;

(30) U.S. Patent No. 4,742,142 (SHIMIZU et al.), May 3, 1988; Applicants note that this document is cited and discussed on page 13, second paragraph of the present application;

(31) JP 2-243612 A, September 27, 1990; Applicants note that this document is cited and discussed on page 13, second paragraph of the present application; Applicants further note that this document is a family member of document (29);

(32) U.S. Patent No. 4,761,454 (OBA et al.), August 2, 1988; Applicants note that this document is cited and discussed on page 13, second paragraph of the present application;

P24855.A01

(33) EP 0 570 838 A1, November 24, 1993; Applicants note that this document is cited and discussed on page 13, second paragraph of the present application;

(34) U.S. Patent No. 5,346,691 (RASPANTI), September 13, 1994; Applicants note that this document is a family member of document (33).

Furthermore, Applicants direct the Examiner's attention to the following U.S. Patent Application, which was filed on the same day as the above-referenced application:

(35) Serial No. 10/759,254 having the title "**COSMETIC OR DERMATOLOGICAL FORMULATIONS OF IMPROVED PEARLESCENCE**" (Applicants: Silke KOHLHASE et al.).

Applicants also direct the Examiner's attention to the following additional documents which are cited in document (35):

(36) EP 0 775 698 A1, May 28, 1997;

(37) U.S. Patent No. 5,955,060 (HÜGLIN et al.), September 21, 1999; Applicants note that this document is a family member of document (36);

(38) WO 92/20690 A1, November 26, 1992;

(39) U.S. Patent No. 5,403,944 (FRATER et al.), April 4, 1995; Applicants note that this document is a family member of document (38).

Copies of the above-listed documents (with the exception of U.S. patents and published U.S. Patent Applications) and of the German Search Report for German Patent Application 103 01 836.0 are enclosed together with a completed copy of the PTO-1449 Form listing these documents. Accordingly, the Examiner is requested to consider these

P24855.A01

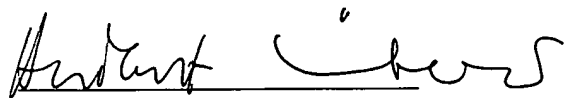
documents and to indicate such consideration by returning a signed and initialed copy of the PTO-1449 Form with the next official communication.

Further to the U.S. Patent and Trademark Office's decision to waive the requirement under 37 C.F.R. § 1.98 (a)(2)(I), copies of the U.S. Patents and published U.S. Patent Applications cited above are not enclosed herewith. However, if any copies are needed, the Examiner is respectfully requested to contact the undersigned.

Applicants note that an Office Action on the merits has not yet issued in the instant application, and thus, no fee is necessary to ensure consideration of this statement. However, if an Office Action has issued and is crossing in the mail with this statement, the Commissioner is hereby authorized to charge Deposit Account No. 19-0089 any fee necessary to ensure consideration of the submitted materials.

If there should be any questions, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,
Silke KOHLHASE et al.


Neil F. Greenblum
Reg. No. 28,394 Reg. No. 50,417

September 13, 2004
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191

FORM PTO-1449

U.S. Department of Commerce
Patent and Trademark OfficeAtty. Docket No.
P24855Application No.
10/759,160INFORMATION DISCLOSURE STATEMENT
BY APPLICANT
(Use several sheets if necessary)Applicant
Silke KOHLHASE et al.Filing Date
January 20, 2004Group
Unknown

U.S. PATENT DOCUMENTS

EXAM INER INITI AL		DOCUMENT NUMBER							DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	2003/	0	2	2	4	0	2	5	12/04/03	GOTSCHKE et al.			
		5	3	3	4	3	8	7	08/02/94	HAUGK			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER							DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO	
	1	9	9	5	0	0	5	9	04/19/01	GERMANY				
	1	9	9	4	3	4	3	6	03/15/01	GERMANY				
	1	9	9	4	2	7	1	4	03/15/01	GERMANY				
	1	0	0	4	1	2	2	0	03/07/02	GERMANY				
	6	9	1	1	1	4	6	6	04/04/96	GERMANY				
	9	2	/	0	9	2	6	4	06/11/92	W.I.P.O.				
		0	6	1	2	5	1	8	08/31/94	E.P.O.				
	03	/	0	2	2	2	3	8	03/20/03	W.I.P.O.				
	02	/	0	7	4	2	6	4	09/26/02	W.I.P.O.				
	02	/	0	7	4	2	5	8	09/26/02	W.I.P.O.				
	0	0	/	6	9	4	0	4	11/23/00	W.I.P.O.				
	0	1	/	1	0	4	0	3	02/15/01	W.I.P.O.				
	9	0	/	1	0	4	2	9	09/20/90	W.I.P.O.				
	1	9	9	2	1	1	8	6	11/16/00	GERMANY				
	1	9	9	4	4	5	4	5	03/08/01	GERMANY				
		0	2	8	1	3	6	0	09/07/88	E.P.O.				
		1	0	4	6	3	8	7	10/25/00	E.P.O.				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	1	English language Abstract of DE 19950059.
	2	English language Abstract of DE 19943436.
	3	English language Abstract of DE 19942714.
	4	English language Abstract of DE 19921186.
	5	English language Abstract of DE 19944545.
	6	Modern Cosmeticology, Vol. 1, 1996, Ralph G. Harry, F.R.I.C., 1962, pp. 115-119.
	7	Kosmetologie, 3 rd edition, 1976, Dr. J. Jellinek (pp. 235-239).

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449

U.S. Department of Commerce
Patent and Trademark OfficeAtty. Docket No.
P24855Application No.
10/759,160INFORMATION DISCLOSURE STATEMENT
BY APPLICANT
(Use several sheets if necessary)Applicant
Silke KOHLHASE et al.Filing Date
January 20, 2004Group
Unknown

U.S. PATENT DOCUMENTS

EXAM INER INITI AL		DOCUMENT NUMBER							DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		4	8	7	0	1	6	7	09/26/89	ZODY et al.			
		6	2	5	1	9	5	4	06/26/01	ROULIER et al.			
		5	4	2	6	1	8	2	06/20/95	JENKINS et al.			
		5	2	6	6	3	2	1	11/30/93	SHUKUZAKI et al.			
		5	6	5	4	3	6	2	08/05/97	SCHULZ, JR. et al.			
		4	9	8	0	1	6	7	12/25/90	HARASHIMA et al.			
		4	7	4	2	1	4	2	05/03/88	SHIMIZU et al.			
		4	7	6	1	4	5	4	08/02/88	OBA et al.			
		5	3	4	6	6	9	1	09/13/94	RASPANTI			
		5	9	5	5	0	6	0	09/21/99	HÜGLIN et al.			
		5	4	0	3	9	4	4	04/04/95	FRATER et al.			

FOREIGN PATENT DOCUMENTS

												SUBCLASS	TRANSLATION YES NO	
		4	3	4	4	6	6	1	06/29/95	GERMANY				
		0	2	9	5	8	8	6	12/21/88	E.P.O				
	2	-	2	4	3	6	1	2	09/27/90	JAPAN				
		0	5	7	0	8	3	8	11/24/93	E.P.O				
		0	7	7	5	6	9	8	05/28/97	E.P.O				
	9	2	/	2	0	6	9	0	11/26/92	W.I.P.O				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	8	English language Abstract of DE4344661.

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.